

**REMARKS/ARGUMENTS**

Claims 1-52 were pending. Claims 1, 20 and 37 are hereby amended and new claims 53-55 are hereby added. Therefore, upon entry of this amendment, which is respectfully requested, claims 1-55 will be pending.

Independent claims 1, 20 and 37 have been amended to recite that "a total value of all tokens in the set of tokens is constant, and wherein the total value of all tokens is derived from a source other than the players." Support for such amendments can be found in the specification, for example, at page 2, lines 14 to 18; page 3, lines 16 to 21; and page 8, lines 3 to 9.

The specification was objected to under 37 CFR 1.71 for failing to provide details concerning the method of changing the odds of various games. Also, claims 10, 11, 19, 27, 28, 36, 44 and 45 were rejected under 35 USC § 112, first paragraph, as not being enabling. In particular it was alleged that the specification does not disclose a method for changing odds in various games. Applicants respectfully traverse these objections and rejections. First, these claims do not recite changing odds in games. Second, it is not necessary to change the odds in the various games in order to provide a greater total expected yield of tokens per token bet so as to provide a statistically positive token return to players as is recited in these claims or discussed in the specification. In some embodiments, the payout structure for a game is modified to enable a statistically positive token return. See, e.g., the tables on pages 13, 15 and 17. A player may wager tokens and risk losing tokens each time a bet is made, thus providing a sense of risk and suspense, and may still lose the bet more than half of the time. However, over time, *statistically* a player will gain more tokens than were bet. It is not guaranteed that a player will gain tokens, however, each player is *statistically* likely to win more than is bet, and therefore also more tokens than were originally purchased or otherwise acquired. Additional methods may also be employed in various games as taught in the specification to enhance the statistical positive return of tokens, such as for example, creating additional winning conditions (page 28), providing guaranteed win chips (page 30), extending game play until a player wins (page 29), providing sponsored peeks (page 29), modifications for sports bets (page 21), and others.

Claims 1-52 were rejected under 35 USC §103 as being obvious over Weingardt et al., US Patent No. 5,275,400 (hereinafter "Weingardt"), in view of Walker et al., US Patent No. 6,086,477 (hereinafter "Walker '477"), or over Waingardt in view of Walker and further in view of Walker et al., US Patent No. 6,277,972 (hereinafter "Walker '972"). Applicants respectfully request withdrawal of this rejection for the following reasons. These references were discussed to the extent currently deemed necessary in the prior response.

Applicants respectfully assert that none of the references teach providing a statistically positive token return as is recited in all claims for reasoning as previously given. It was stated in the Final Office Action that Walker '477 teaches each player receiving a statistically positive token return in comments responsive to Applicants prior response. However, no page or section citation was given. After review of Walker '477, Applicants have indeed not found any support for such proposition.

Furthermore, Applicants respectfully assert that none of these references teach or suggest that a total value of all tokens in the set of tokens is constant, and wherein the total value of all tokens is derived from a source other than the players as is recited in all pending claims. In one aspect of the present invention, a source of funds for the total value of tokens in the token set is derived from advertising revenue.

It was also stated in the Final Office Action, that the specification on page 1 talks about "the player" and not "the players" or the "players as a group". While this may be true about this sentence referred to as well others in the specification, Applicants respectfully assert that the specification is also replete with numerous discussions referring to "players". Though too numerous to list in detail, examples can be found at page 3, lines 19-21, and page 4, lines 18-20.

It was also stated that none of the changes to the games listed can guarantee that a particular player will have such a positive return. This is true, however, over time, a player is provided with a *statistically* positive token return. Again, as discussed above and as taught in the specification, a player may wager tokens and risk losing tokens each time a bet is made, thus providing a sense of risk and suspense, yet may still lose the bet more than half of the time.

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However, over time, *statistically* a player will gain more tokens than were bet. It is not

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guaranteed that a player will gain tokens, however, each player is statistically likely to win more than is bet, and therefore also more tokens than were originally purchased or otherwise acquired.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

• If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

  
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